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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR99-608-RSL
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 DAVID ALLEN WILLIAMS,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on February 24, 2010. The United States was represented by AUSA Mary Dimke for Andrew
16 Friedman and the defendant by Thomas Hillier. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about April 28, 2000 by the Honorable Robert S.
18 Lasnik on three counts of Bank Robbery, and sentenced to 110 months custody, 3 years
19 supervised release. (Dkt. 24)

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant be prohibited from possessing a firearm, submit to drug testing,
22 participate in a substance abuse program, abstain from alcohol, submit to search, participate in

01 a mental health program, pay restitution in the amount of \$16,637, provide his probation officer
02 with access to financial information as requested, and be prohibited from incurring new credit
03 obligations or lines of credit.

04 Following a drug test which was positive for cocaine, the conditions of supervision were
05 modified on October 2, 2008 to require defendant to participate in a home confinement program
06 with electronic monitoring for up to 90 days. (Dkt. 27.) On May 4, 2009, the defendant's
07 probation officer reported that defendant tested positive for cocaine. He was reprimanded, and
08 the frequency of testing and counseling was increased. No further action was taken at the time.
09 (Dkt. 28.)

10 On May 26, 2009, defendant admitted violating the conditions of supervised release by
11 failing to report for urinalysis testing, using cocaine, and failing to report to the probation office
12 as instructed. (Dkt. 34.) Defendant was sentenced to 30 days in custody, followed by 30 months
13 of supervised release. Additional conditions required the defendant to maintain a single checking
14 account for all financial transactions, provide his probation officer with documentation of any
15 business interests, and disclose all assets and liabilities. (Dkt. 38.)

16 In an application dated January 28, 2010 (Dkt. 41, 42), U.S. Probation Officer Brian K.
17 Facklam alleged the following violations of the conditions of supervised release:

18 1. Using cocaine on or about November 29, 2009, in violation of standard condition
19 number seven.

20 2. Failing to appear for drug testing on or about December 22 and 23, 2009, in
21 violation of the special condition directing him to submit to drug testing as instructed by the U.S.
22 Probation Officer.

01 Defendant was advised in full as to those charges and as to his constitutional rights.

02 Defendant admitted the alleged violations and waived any evidentiary hearing as to
03 whether they occurred. (Dkt. 43.)

04 I therefore recommend the Court find defendant violated his supervised release as alleged,
05 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
06 set before Judge Lasnik.

07 Pending a final determination by the Court, defendant has been released on the conditions
08 of supervision, to enter a treatment program as directed by his probation officer.

09 DATED this 24th day of February, 2010.

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11 Mary Alice Theiler
12 United States Magistrate Judge

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14 cc: District Judge: Honorable Robert S. Lasnik
AUSA: Andrew Friedman, Mary Dimke
15 Defendant's attorney: Thomas Hillier
Probation officer: Brian K. Facklam
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